S.B.Cr.Misc. Bail App. No.5718/2007
(Rakma Vs State of Rajasthan)

Date of order : 22.11.2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Rahul Bathi for the petitioner.

Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned as well as case the challan papers.

It is contended by learned counsel for the petitioner that no role has been assigned to the petitioner and similarly situated co-accused have been granted bail by this Court in S.B. Criminal Misc. Bail Application No.4206/2007 vide order dated 07.09.2007 and the case of the present petitioner is not distinguishable from those of the co-accused.

I have carefully gone through the statements of Shanker Lal and Sunita. In the initial version, presence of the petitioner has not been shown, however, at the end of the statement, name of the petitioner has been incorporated amongst other persons. On careful perusal of the statements of Shanker Lal and Sunita, it has been stated that at about 1.00 PM Nagu s/o Bada, Uda s/o Nagu, Bhima, Nana alias Mohan, Jamana w/o Nagu, Gandi w/o Uda, Hakri Bai w/o Bhima, and Shanti D/o Nagu came armed with Lathis and surrounded

the injured and the deceased persons and started assaulting them. Name of the petitioner does not find place, however, at the end, petitioner's name has been added with the name of the above noticed persons.

Looking to the facts and circumstances of the case and the fact that the co-accused have been granted bail by this Court, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Rakma s/o Nagla Meena be released on bail in FIR No.159/2007 P.S. Salamgarh, District Chittorgarh, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

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